

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 77-151

NPDES PERMIT NO. CA0037702

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

ORDER DIRECTING THE EAST BAY MUNICIPAL UTILITY DISTRICT, SPECIAL DISTRICT NO. 1, ALAMEDA COUNTY TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, IN ORDER NO. 74-77 (NPDES PERMIT NO. CA0037702) AS AMENDED BY ORDER NOS. 75-72 and 76-125

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter referred to as Board) finds that:

1. This Board on August 20, 1974, adopted Order No. 74-77 prescribing waste discharge requirements including a compliance time schedule for the East Bay Municipal Utility District, Special District No. 1 (hereinafter referred to as discharger) in accordance with statutory requirements of the Federal Water Pollution Control Act (FWPCA) and the California Water Code. On November 18, 1975, the Board adopted Order No. 75-72 amending Order No. 74-77. On November 16, 1976, the Board further amended the permit by adopting Order No. 76-125. The amended permit contains a compliance date of July 1, 1977, for achieving secondary effluent limitations as required by the FWPCA.
2. The discharger has submitted evidence which documents that the requirements contained in Order No. 74-77 as amended cannot be achieved. The discharger has experienced delays beyond its control because of a strike, delivery delays, and construction problems.
3. The discharger has submitted a time schedule by which it can achieve the requirements contained in amended Order No. 74-77.
4. The Board has notified the discharger, interested agencies and persons of its intent to adopt a revised time schedule.
5. The Board in a public hearing held on December 20, 1977, heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the East Bay Municipal Utility District, Special District No. 1 shall meet the requirements of amended Order No. 74-77 by the following time schedules:

1. Compliance with Effluent Limitations A.1.a., (settleable matter), b. (BOD), c. (suspended solids), d. (oil and grease), A.3. (% removal, BOD and suspended solids), and receiving water limitations B.1.a. (particulate matter), and B.1.c. (temperature, turbidity and colors):

- |    |                 |                        |                                 |
|----|-----------------|------------------------|---------------------------------|
| a. | <u>Task</u>     | <u>Compliance Date</u> | <u>Report of Compliance Due</u> |
|    | Full compliance | March 1, 1978          | March 15, 1978                  |
2. Compliance with Effluent Limitations A.l.e. (~~chlorine~~ residual and A.6. (toxicity)).
- |    |                 |                        |                                 |
|----|-----------------|------------------------|---------------------------------|
| a. | <u>Task</u>     | <u>Compliance Date</u> | <u>Report of Compliance Due</u> |
|    | Full compliance | May 1, 1978            | May 15, 1978                    |
3. This Order expires on June 1, 1978.

The Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with final effluent limitations by July 1, 1977, and December 1, 1977, as contained in amended Order No. 74-77 provided:

- a. The discharger complies with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the amended permit ~~with~~ the exception of Provisions A.l.a., b, c, d, e, A.3., A.6., B.l.a., and B.l.c.
- c. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act; and
- d. Circumstances do not occur which would warrant modification of the permit or time schedule.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 20, 1977.

FRED H. DIERKER  
Executive Officer